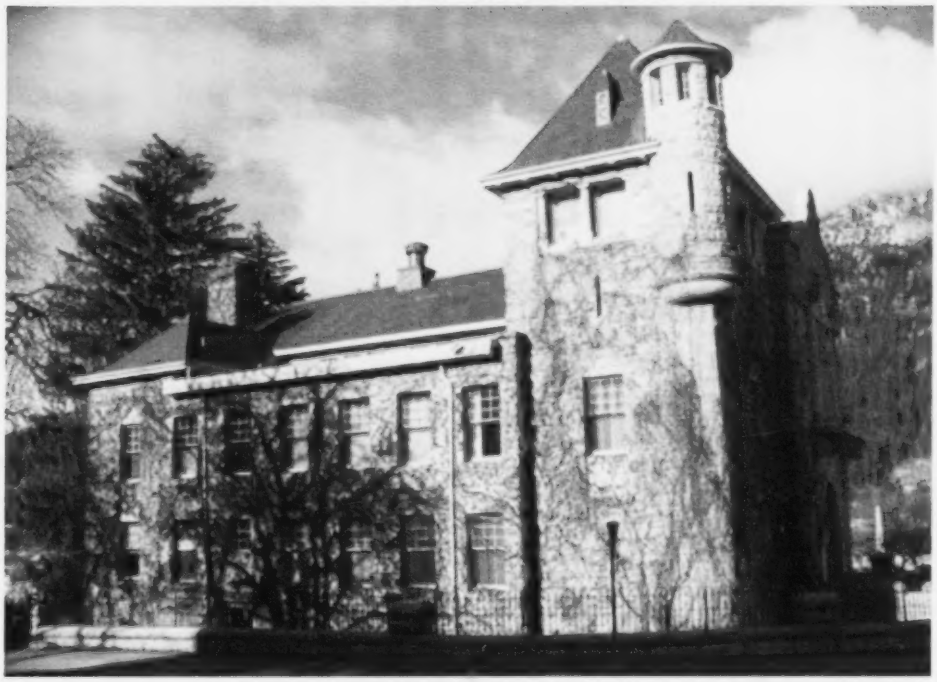
Access to Justice in Challenging Times



Annual Report 2010—2011

Provincial Court of British Columbia

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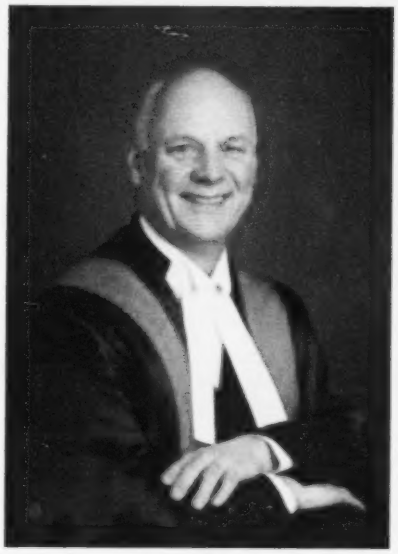
Message from Chief Judge Thomas Crabtree



Over the past fiscal year, the Provincial Court has focussed on providing access to justice for all British Columbians in trying economic times. There are fewer judicial resources in the Provincial Court today than in 2005. As a consequence, the Court has struggled to keep up with the influx of new cases this year and at the same time address the increasing backlog of cases currently before the Court.

The Court recognized that, with reduced resources, our scheduling practices needed to be modified in order to provide more timely access to all litigants, whether the matter that brings them to court is a family issue, a criminal charge, or a civil dispute.

As a result, I issued a direction to the Court's Administrative Judges in August 2010 that, beyond the Court's criminal jurisdiction, a greater allocation of court time should be provided to child protection, family and civil matters. By the end of the year, a small reduction in the time to trial of non-criminal matters had been realized.

In an effort to address this situation, the Court will continue to press for the appointment of judges to replace those that have retired or elected to participate in the Senior Judge program. At the same time we will continue to develop innovative strategies to improve access to the Court.

Thomas J. Crabtree
Chief Judge

Our Mission

As an independent judiciary, our mission as the Provincial Court of British Columbia is to impartially and consistently provide a forum for justice that assumes equal access for all, enhances respect for the rule of law and confidence in the administration of justice.

Our Vision

To provide an accessible, fair, efficient, and innovative system of justice for the benefit of the public.

Core Values

Independence

Fairness

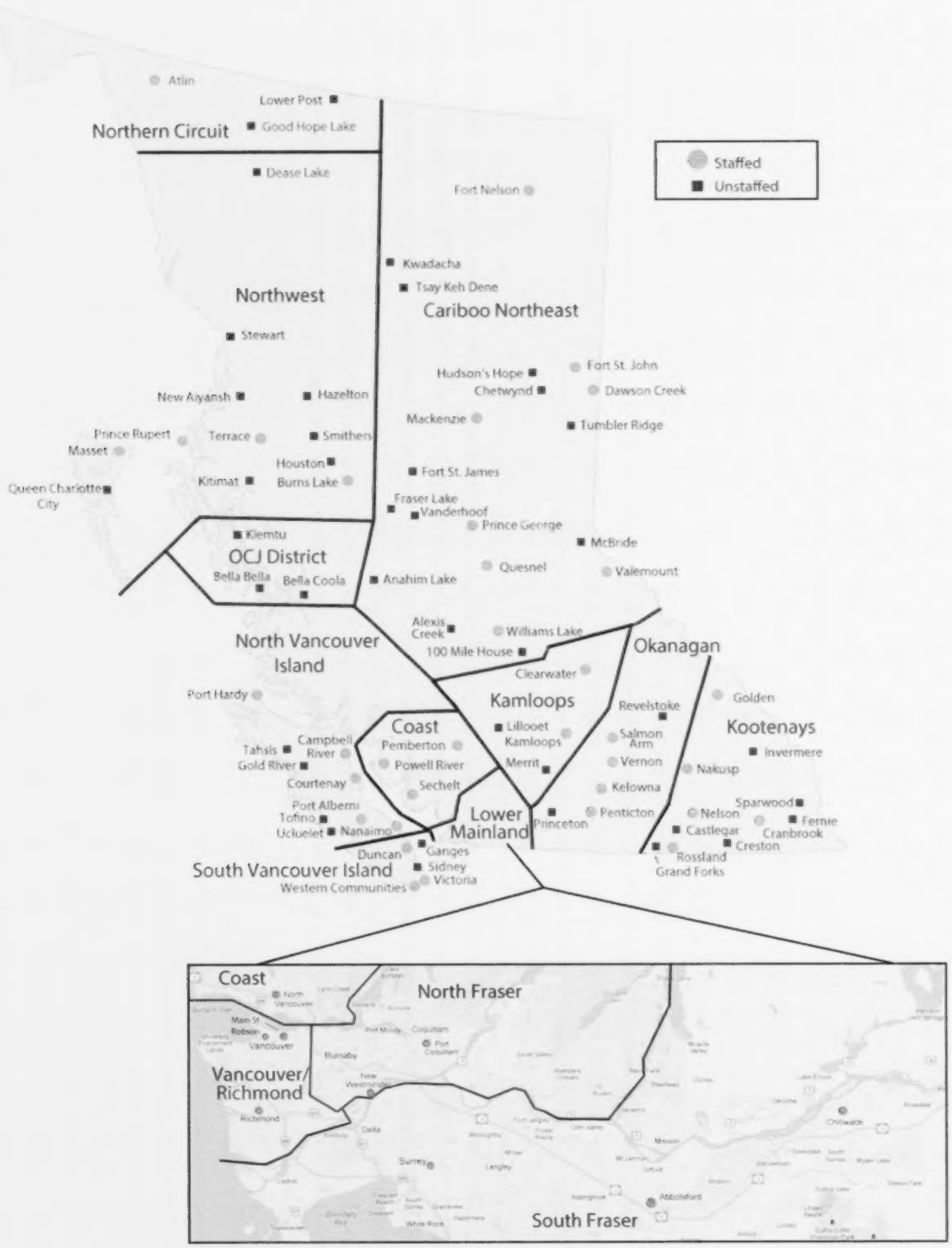
Integrity

Excellence

Goals

1. Excel in the delivery of justice;
2. Enhance meaningful public access to the Court, its facilities and processes;
3. Anticipate and meet the needs of society through continuing judicial innovations and reform; and
4. Ensure that administration and management of the Court is transparent, fair, effective and efficient, consistent with the principles of judicial independence.

Sitting Locations of the Provincial Court (By District)



Jurisdiction of the Provincial Court

The Provincial Court of British Columbia is one of two trial courts in the province; the other is the Supreme Court of British Columbia.

The Provincial Court's caseload encompasses the following primary subject areas: adult criminal, youth, civil, family, child protection, traffic and bylaw matters. The Court's jurisdiction extends to all criminal matters, except a limited few over which the Supreme Court has exclusive jurisdiction. For some matters, a preliminary inquiry may be held in the Provincial Court, before the Supreme Court trial. The Court has exclusive jurisdiction in all summary conviction trials and hears all indictable matters where the accused does not elect to have their matter heard in the Supreme Court.

Appeals from Provincial Court decisions go to either the Supreme Court of British Columbia or the British Columbia Court of Appeal, depending upon the nature of the case. Appeals of some Provincial Court cases may be taken to the Supreme Court of Canada, following the decision of the Court of Appeal.

Our Judiciary

Judges

On March 31, 2010, the complement of sitting Provincial Court Judges totalled 113 full-time judges and 35 part-time judges, which equals 128.75 full-time equivalent judges. One year later – March 31, 2011 – the complement was 110 full-time judges and 38 part-time judges, making a total of 127.1 full-time equivalent judges. Part-time judges are those who have elected to receive a pension and to work a reduced schedule of approximately half-time. In addition, three judges were on long-term disability.

A list of Provincial Court judges as at March 31, 2011 can be found at Appendix 3.

During the fiscal year 7 new judges were appointed to the Provincial Court. During the same period, 7 judges retired, passed away or were appointed to the Supreme Court, and 9 judges elected to participate in the Senior Judge Program.

The following judges were appointed in this fiscal year:

Judicial Appointments – 2010/11

Judge	Judicial District	Appointment Date
Judge G. Sheard	Kootenays	May 17, 2010
Judge R. Dickey	South Fraser	October 4, 2010
Judge S. Donegan	Kamloops	October 4, 2010
Judge M. Shaw	Okanagan	October 4, 2010
Judge S. Merrick	Coast	October 12, 2010
Judge P. MacCarthy	North Island	October 18, 2010
Judge J. Bahen	South Fraser	January 4, 2011

The following judges retired or elected to participate in the Senior Judge Program:

Judicial Retirements and Senior Judge Program – 2010/11

Judge	Judicial District	Retirement Date	Senior Judge Program Date	Other
Judge S. MacGregor	South Fraser		April 1, 2010	
Judge W. Stewart	South Fraser	April 9, 2010		
Judge D. Smyth	222 Main St			April 23, 2010
Judge A. Gould	North Island		April 30, 2010	
Judge R. Lemiski	North Island	June 25, 2010		
Judge V. Hogan	Okanagan		June 30, 2010	
Judge J. Godfrey	222 Main St	August 10, 2010		
Judge J. Watchuk	222 Main St			October 29, 2010
Judge C. MacArthur	South Fraser	January 2, 2011		
Judge W. Kitchen	222 Main St		January 7, 2011	
Judge W. Diebolt	Coast	January 31, 2011		
Judge A. Ehrcke	Robson/Richmond		January 31, 2011	
Judge D. Pendleton	Office of the Chief Judge		February 25, 2011	
Judge H. Field	South Fraser		February 28, 2011	
Judge R. Miller	South Fraser		March 31, 2011	
Judge J. Threlfall	Okanagan		March 31, 2011	

Judicial Justices

Judicial Justices (JJs) are appointed under the *Provincial Court Act*. Their duties include:

- presiding over judicial interim release (bail) applications;
- deciding search warrant and other applications;
- hearing bylaw and other provincial ticketable offences; and
- sitting in one of the province's problem-solving courts.

Judicial Justices may be appointed to serve on a full-time or part-time (*per diem*) basis.

At the commencement of the fiscal year, there were 14 full-time, 6 ad hoc, and 18 *per diem* Judicial Justices. By March 31, 2011, the complement was 12 full-time, 5 ad hoc, and 17 *per diem* Judicial Justices. In addition, one Judicial Justice was on long-term disability.

A list of Judicial Justices as at March 31, 2011 can be found at Appendix 3.

Justice of the Peace Adjudicators

Justice of the Peace Adjudicators are senior lawyers who are appointed as justices of the peace, on a part-time (*per diem*) basis, to preside over simplified trials of civil matters at the Robson Square Registry. In this pilot project, there were 14 Justice of the Peace Adjudicators at the start of the fiscal year, and 13 by the end of the fiscal year.

A list of Justice of the Peace Adjudicators as at March 31, 2011 can be found at Appendix 3.

Judicial Case Managers

Under the supervision of the Administrative Judicial Case Manager and local Administrative Judges, Judicial Case Managers are responsible for Court scheduling, coordination of judges' sittings, conducting initial criminal appearances and managing the flow of cases. They are instrumental in ensuring that judicial resources are effectively allocated and utilized in a manner consistent with the rules and policies of the Court. Judicial Case Managers hold a justice of the peace commission and exercise limited judicial functions as part of their duties.

As of March 31, 2011, there were 43 full-time, and 1 auxiliary Judicial Case Managers.

A list of Judicial Case Managers as at March 31, 2011 can be found at Appendix 3.

Administration of the Provincial Court

The Office of the Chief Judge (OCJ) is the administrative headquarters for the Provincial Court. It is responsible for engaging with government agencies, individuals, and organizations that wish to communicate with the Court.

The administrative work of the Provincial Court is conducted by the Executive Committee and the Management Committee. The Executive Committee is chaired by Chief Judge Thomas Crabtree and includes the three Associate Chief Judges – the Honourable Nancy Phillips, the Honourable Gurmail Gill, and the Honourable Michael Brecknell. The Executive Committee provides strategic direction and decision-making for the Court on administrative and management matters as well as issues touching on the administrative independence of the Court.

The Management Committee of the Court consists of the Administrative Judges designated by the Chief Judge. The Management Committee is chaired by the Chief Judge or his designate. This Committee provides advice to the Chief Judge on emerging issues in judicial districts, policy proposals, and administrative matters. During this fiscal year, the Management Committee included the following administrative judges:

Administrative Judge W. Rodgers (Coast District)
Administrative Judge D. O'Byrne (Cariboo Northeast District)
Administrative Judge S. Frame (Kamloops District)
Associate Chief Judge Nancy Phillips (Administrative Judge – Kootenay District) (Chair)
Administrative Judge M. Buller Bennett (North Fraser District)
Administrative Judge A. Dohm (North Vancouver Island District)
Administrative Judge H. Seidemann III (Northwest District)
Administrative Judge E. Burdett (Okanagan District to June 30, 2010)
Administrative Judge A. Betton (Okanagan District appointed July 1, 2010)
Administrative Judge P. Gulbransen (South Fraser District)
Administrative Judge E. Quantz (South Vancouver Island District)
Administrative Judge J. Watchuk (Vancouver Criminal District to August 19, 2010)

Administrative Judge R. Low (Vancouver Criminal District appointed August 20, 2010)
Administrative Judge A. Ehrcke (Robson/Richmond District to October 31, 2010)
Administrative Judge P. Chen (Robson/Richmond District appointed November 1, 2010)

The Court's Website and Judgment Database

The Court's website provides information and announcements about the Court and the Judicial Council of British Columbia. The website also hosts the Court's judgment database, which contains written decisions of the Court for the past thirteen years.

As of March 31, 2011, there were 6,102 written judgments posted to the Court's database. The database also enables users to locate judgments that have been posted in the past seven days. A direct link is available for the most recent decisions of all courts in British Columbia at www.courts.gov.bc.ca.

Access to Justice in the Provincial Court

In order to ensure the public has access to our justice system, the courts must conclude cases within a reasonable time, yet the shortfall in the number of Provincial Court judges has caused lengthy and in some cases unreasonable delays in criminal, child protection, family and civil matters.

A study of the judicial resources available to the Provincial Court was undertaken in 2010. A committee comprised of a number of judges was formed by the Chief Judge to examine the issue and report back. The committee was given the mandate to examine:

- the manner and degree of the reduction in judges and the Court's budget;
- the current level of judicial resources relative to workload;
- those areas of the province significantly below judicial complement;
- initiatives to increase efficiency and effectiveness; and
- the minimum judicial resources required to fulfill the current mandate with timely access to justice.

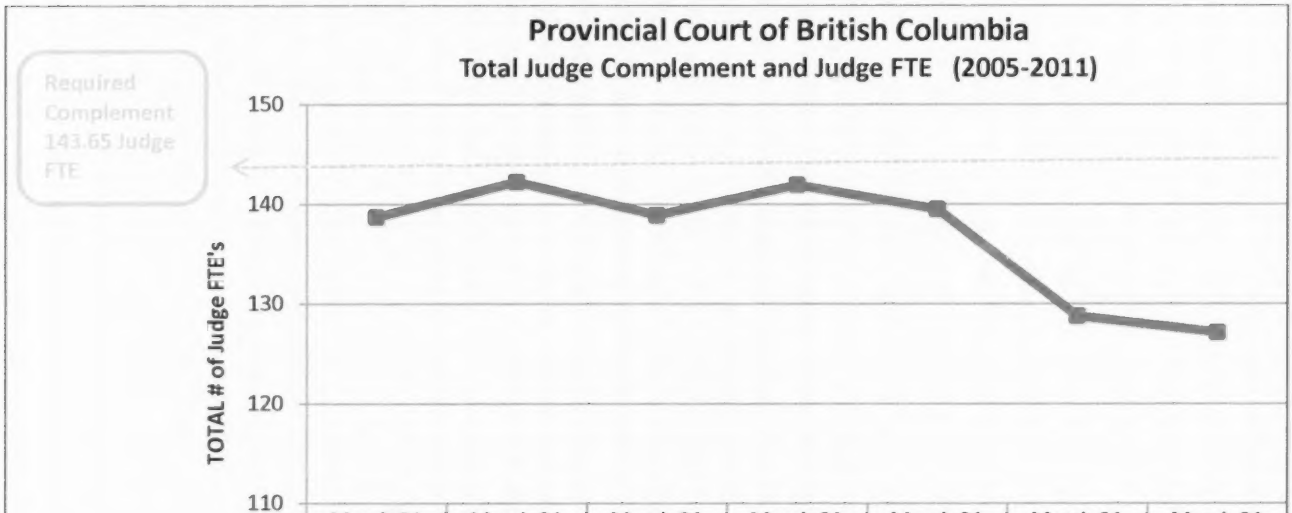
The report entitled *Justice Delayed: A Report of the Provincial Court of British Columbia concerning Judicial Resources* concluded that it is the only provincial court in Canada whose judiciary had decreased in number since 2005. In fact, the Court had 17 fewer judges in its

complement in 2010 than in 2005 – a 15% reduction. This reduction in the number of judges has occurred as a result of judges not being appointed to replace those who retired, elected to participate in the Senior Judge program, or were appointed to the Supreme Court.

The report also noted that although the Provincial Court has one of the broadest mandates of any province in Canada, the ratio of judges to the population in British Columbia is one of the lowest in Canada, and is lower than in 1998.

This chart illustrates the decline in number of judges from 2005 to the end of the fiscal year.

Chart 1 - Total Judge Complement 2005 – 2011



	March 31 2005	March 31 2006	March 31 2007	March 31 2008	March 31 2009	March 31 2010	March 31 2011
# of Senior Judges	17	16	13	22	21	35	38
# of Full-Time Judges	131	135	133	132	130	113	110
# of Judge Fulltime Equivalents (FTE) (as at March 31)	138.65	142.2	138.85	141.9	139.45	128.75	127.1

See Appendix 1 for data source and notes

To understand how the reduction in judicial complement has impacted access to the Court, the *Justice Delayed* report analyzes the increase in the number of uncompleted cases, and the delay for each case type, from both a province-wide perspective, and from the vantage point of those locations in the province with the longest delay.

The report concluded that with the current judicial complement the Court is unable to "keep pace" with the number of cases being presented to it. This is notwithstanding reform initiatives that have improved the Court's efficiency and effectiveness. As a consequence, the current inventory of uncompleted cases is growing, as is the delay for all case types except youth court prosecutions.

The public interest includes having a court system with sufficient resources to allow all cases to be heard within a reasonable time. Criminal cases must be heard within a reasonable time as directed by the Supreme Court of Canada, thereby ensuring an accused's *Charter* rights are not infringed by the government's fiscal decisions. Only by having these cases heard within a reasonable time can the court fulfill its mandate to all citizens: the accused, victims, witnesses, police officers, and the broader community.

Delays are also a concern in other areas of the Court's jurisdiction. There are serious consequences when family matters are delayed. The breakdown of the family and resolving the issues of custody, access and maintenance can be a stressful process and all parties are well served by having timely access to the Court to resolve contentious matters. In child protection cases, delays may result in children remaining in the care of the government for longer than necessary. Long term planning for these children becomes difficult. In both situations, *any* delay is not in the "best interests of the child", a principle set out in the family law legislation.

In an effort to address the situation, in August 2010 the Chief Judge directed that in each district of the province, a more equitable allocation of court time be made available to non-criminal matters. At the fiscal year end this approach has had a small impact on increasing access of these matters in the Court.

The Court's Caseload

During this fiscal year, 260,040 new cases were initiated in the Provincial Court, including adult criminal, youth, civil, family, child protection, and traffic and bylaw cases. The total number of new cases in this fiscal year (excluding traffic and bylaw cases) was 163,679, distributed as follows:

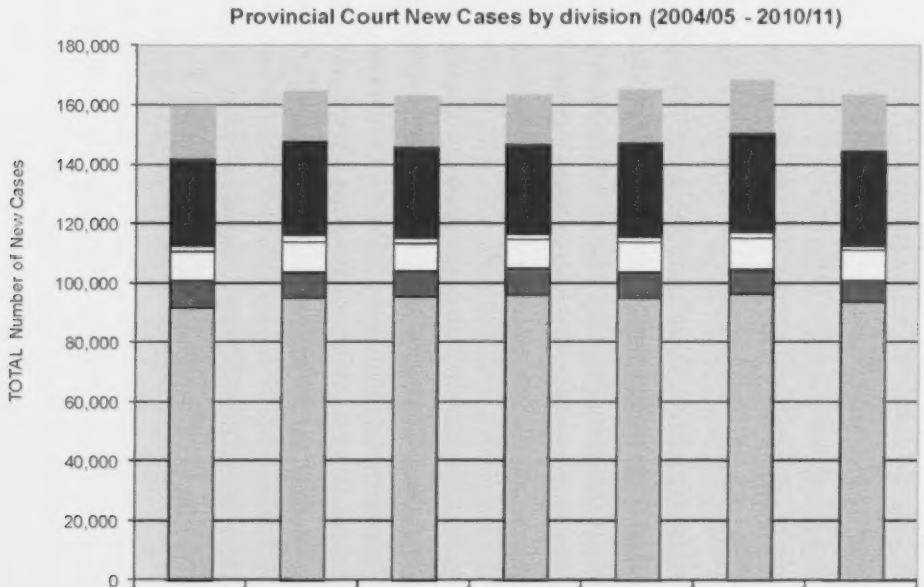
- 62% criminal and youth matters;

- 25.5% family matters (new cases and subsequent applications);
- 11.5% civil matters; and
- 1% child protection matters.

The total number of new cases is approximately 2.5% less than the previous year.

The following chart shows comparative caseloads for new cases for the current and the past 6 years by area of the Court's jurisdiction.

Chart 2 – New Cases by Division (2004/05 – 2010/11)

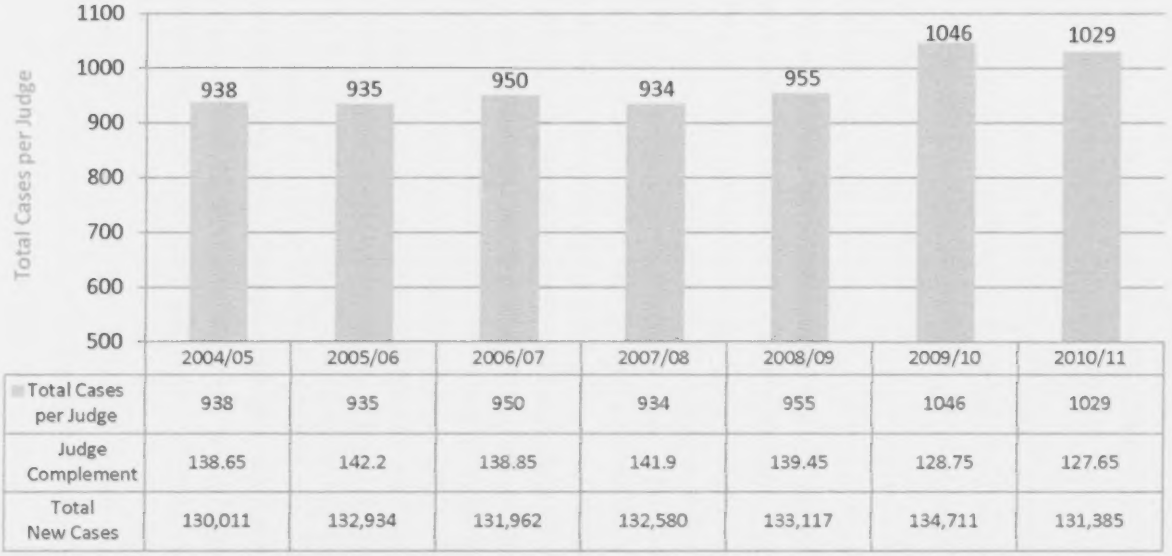


	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Civl New Cases	17,860	17,117	16,756	16,230	17,856	17,966	19,038
Subsequent Applications (Family)	29,808	31,948	30,870	30,749	31,962	33,675	32,294
CFCSA new cases	1,803	2,023	1,912	1,863	1,690	1,726	1,551
FRA/FMEA New Cases	9,550	10,042	9,499	9,622	9,917	10,648	9,844
Youth New Cases	9,006	8,999	8,710	8,985	8,604	8,128	7,388
Adult Criminal New Cases	91,792	94,753	95,085	95,880	95,050	96,243	93,564

See Appendix 1 for data source and notes

The following chart shows the ratio of judges to new cases. While there has been a slight decrease in the ratio of judges to new cases from the previous year, it remains considerably higher than during any other period between 2004/05 to 2008/09.

Chart 3 – Judge Complement and Total Cases per Judge (2004/05 – 2010/11)



	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Total Cases per Judge	938	935	950	934	955	1046	1029
Judge Complement	138.65	142.2	138.85	141.9	139.45	128.75	127.65
Total New Cases	130,011	132,934	131,962	132,580	133,117	134,711	131,385

See Appendix 1 for data source and notes

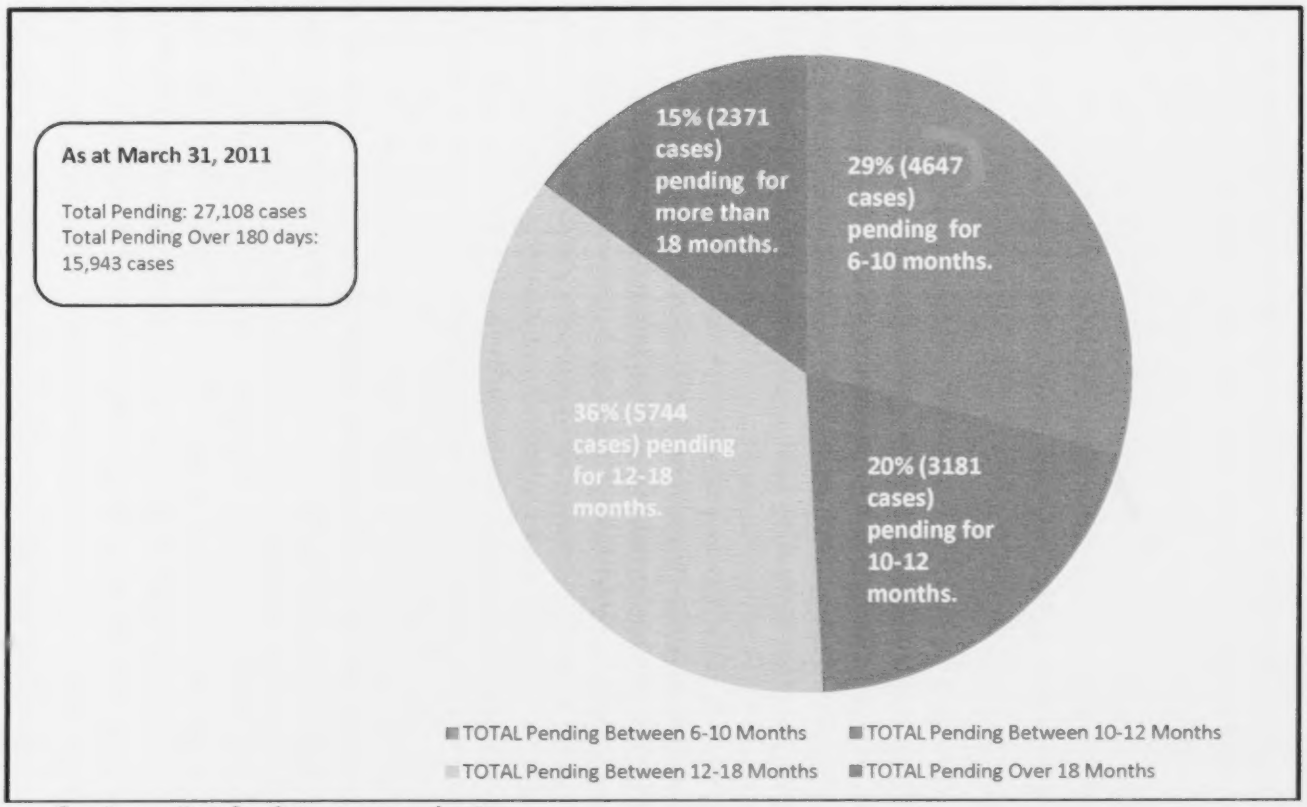
Province-wide delays

In 2005, the Management Committee endorsed a number of Court performance measures which set standards for the Court in hearing all matters in a reasonable time. The Court tracks backlog through quarterly surveys of the "next available trial date" per district, by subject matter. These "Weighted Provincial Delay Reports" represent the average wait for trial based on the delay between the setting of a case and the first date that the Court is available to hear the trial. The findings are set out in this section.

The most recent survey on delays was completed on March 31, 2011. The Court continues to experience an increase in delays in many Court locations throughout the province. The Court is also experiencing an increase in delays for all lengthy cases (i.e., those which require two days or longer of court time to hear). In short, none of the performance targets are being met on a province-wide basis. While a variety of challenges may result in backlogs developing, the one consistent pressure is the significant delay in or lack of judicial appointments to meet the need throughout the province. These backlogs will continue to be monitored and assessed into the future and regular updates will be provided on the Court's website.

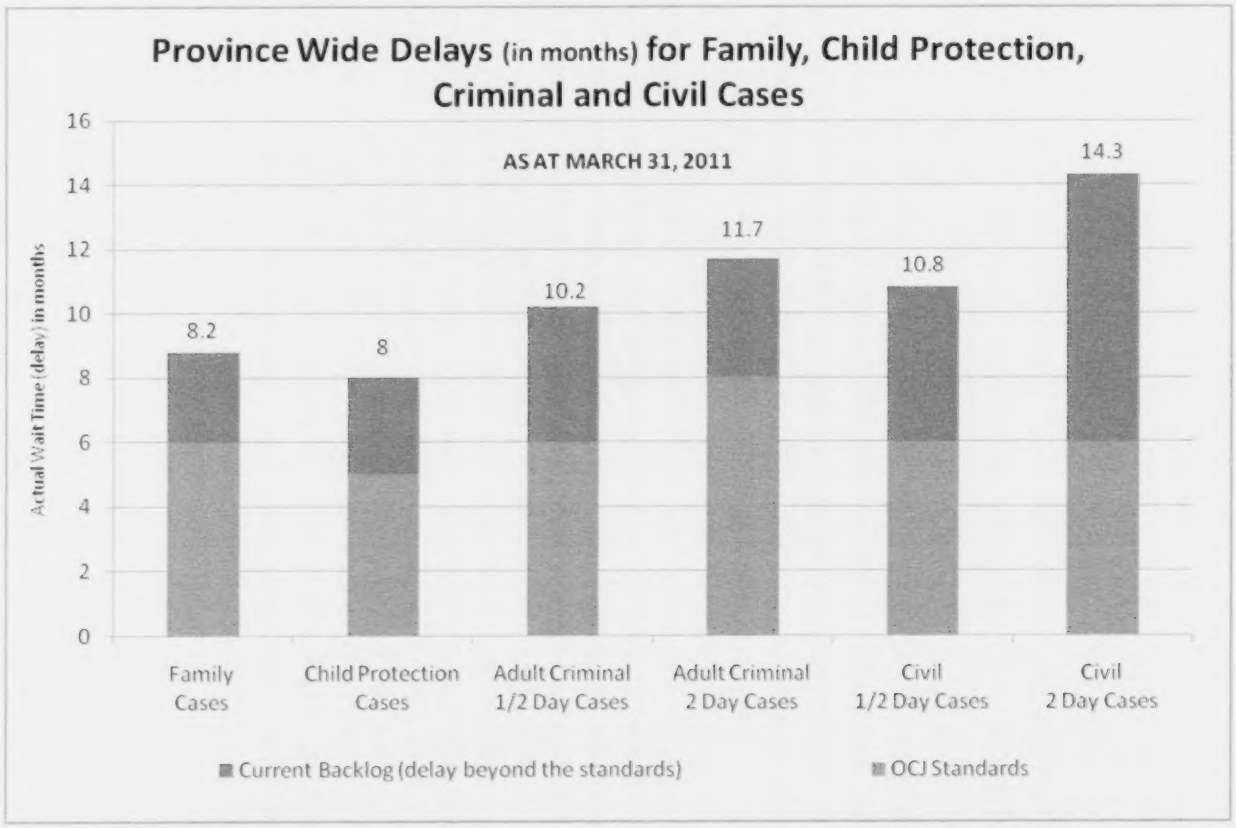
The following chart shows adult criminal cases that exceed the Court's standard of 180 days from the arraignment hearing. The significance of this figure relates to the commentary in the *Justice Delayed* report that cases over a certain period of time are vulnerable to an application for a stay of proceeding due to the Court's inability to provide criminal trial dates within a reasonable period of time.

Chart 4 – Adult Criminal Caseload Pending Over 180 Days


As at March 31, 2011
Total Pending: 27,108 cases
Total Pending Over 180 days: 15,943 cases
15% (2371 cases) pending for more than 18 months.
29% (4647 cases) pending for 6-10 months.
36% (5744 cases) pending for 12-18 months.
20% (3181 cases) pending for 10-12 months.
TOTAL Pending Between 6-10 Months
TOTAL Pending Between 10-12 Months
TOTAL Pending Between 12-18 Months
TOTAL Pending Over 18 Months

See Appendix 1 for data source and notes

Chart 5 – Province-wide Court Delays



See Appendix 1 for data source and notes

The details in Chart 5 can be summarized as follows:

Family

- The Court's standard for family trials is 6 months from the initial filing to the trial date. The delay as of March 31, 2011 is 8.2 months.

Child protection

- The Court's standard for child protection hearings is 5 months from the initial filing to the trial date. The delay as of March 31, 2011 is 8 months.

Criminal

- The Court's standard for adult criminal half-day trials is 6 months from the fixing of the trial date to the actual trial. The delay as of March 31, 2011 is 10.2 months.
- The Court's standard for adult criminal two-day trials is 8 months from the fixing of the trial date to the actual trial. The delay as of March 31, 2011 is 11.7 months.

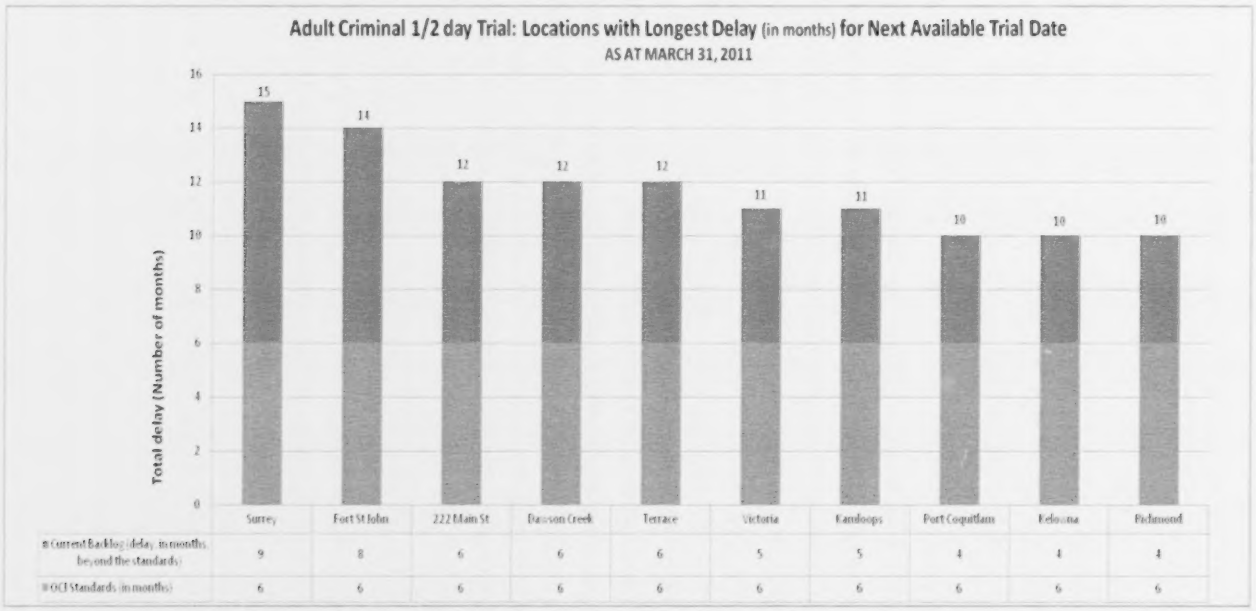
Civil cases

- The Court's standard for civil half-day trials is 6 months from the time the matter is ready to be scheduled, to the trial date. The delay as of March 31, 2011 is 10.8 months.
- The Court's standard for civil two-day trials is 6 months from the time the matter is ready to be scheduled, to the trial date. The delay as of March 31 is 14.3 months.

Locations with the longest delays

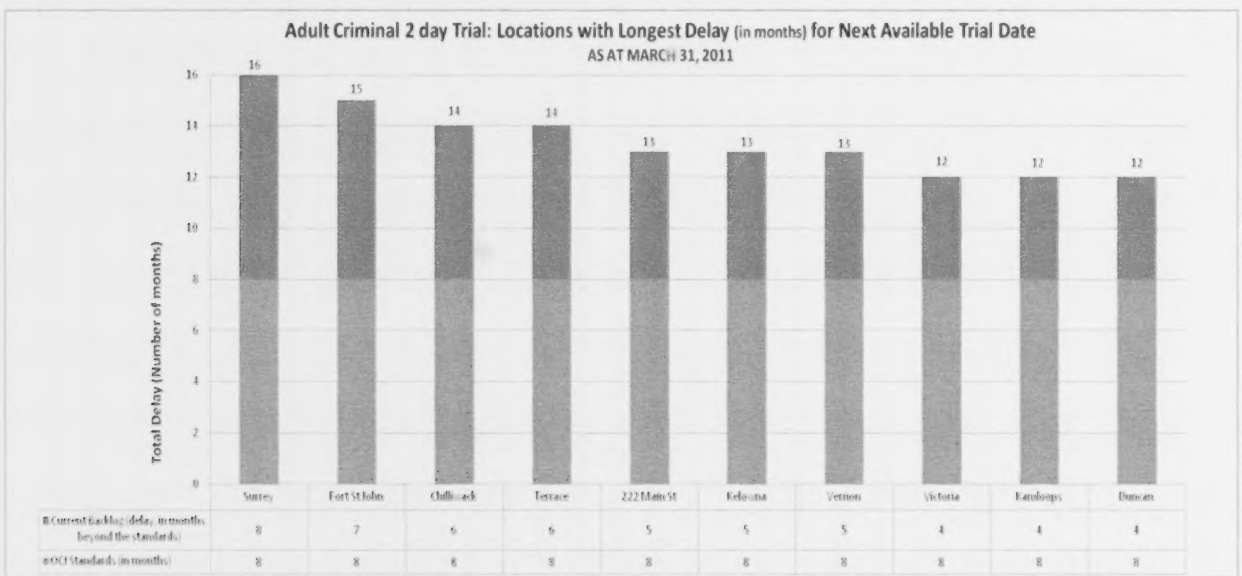
In most locations in the province, the Court is not able to schedule cases within the established timelines. The following charts identify the top ten locations where the delay to trial is most acute and exceeds the standards established by the Office of the Chief Judge.

Chart 6 – Adult Criminal ½ Day Trial Delays



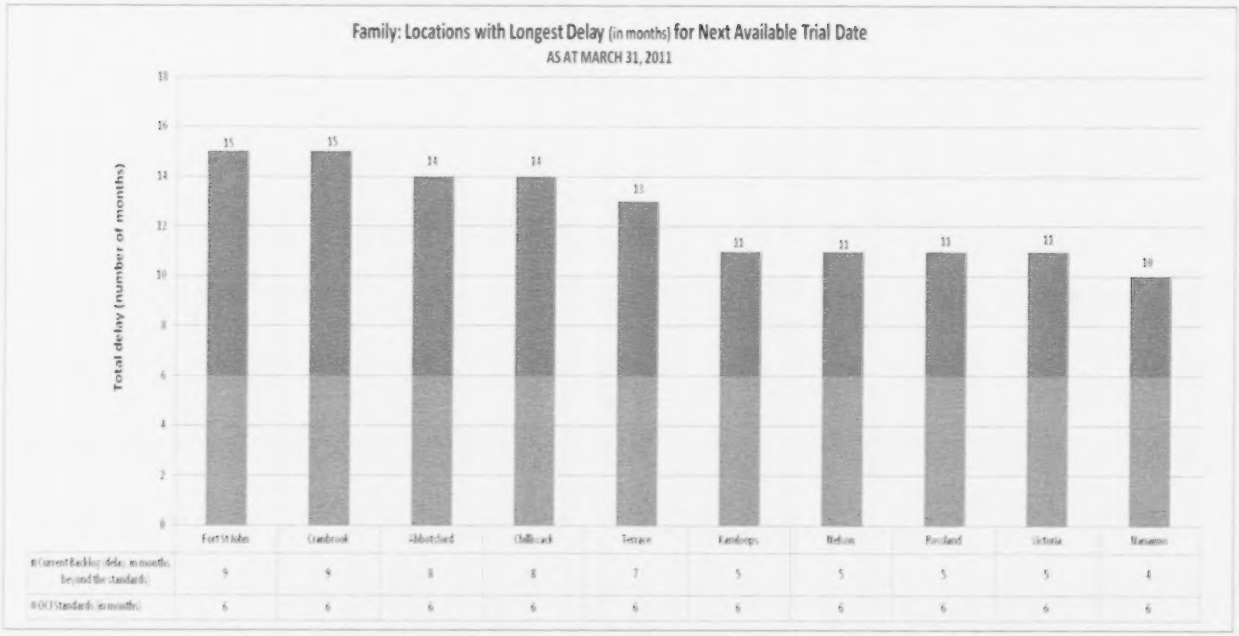
See Appendix 1 for data source and notes

Chart 7 – Adult Criminal 2 Day Trial Delays



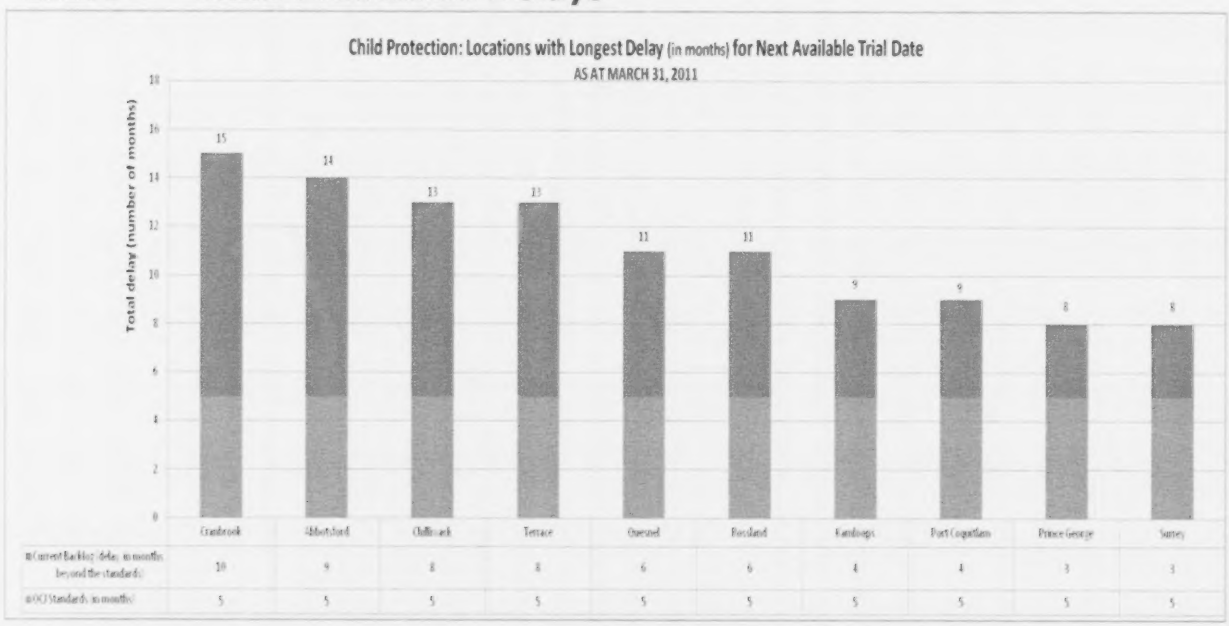
See Appendix 1 for data source and notes

Chart 8 – Family Court Delays



See Appendix 1 for data source and notes

Chart 9 – Child Protection Delays



See Appendix 1 for data source and notes

Chart 10 – Civil Court Delays

See Appendix 1 for data source and notes

Addressing the Needs of the Public

The Court has faced unique challenges in recent years. In particular, the needs of First Nations communities and mentally disordered and substance addicted offenders have led to some innovative responses in the form of problem-solving courts. Through collaboration with social and health service agencies, the Court is able to focus its resources in more effective ways.

Vancouver's Downtown Community Court

Many offenders in downtown Vancouver have health and social problems, including alcoholism, drug addiction, mental illness, homelessness, and poverty. The Downtown Community Court opened in September 2008 and is a partnership between the Court and justice, social, and health service agencies that work to address crime in downtown Vancouver, Chinatown, Coal Harbour, the Downtown Eastside, Gastown, Strathcona, Yaletown, the West End, and Stanley Park. Its goal is to reduce crime, improve public

safety, and provide integrated justice, health and social services to offenders in a timely way while holding them accountable for their actions.

This Court includes a co-coordinator, Crown counsel, defence lawyers, Vancouver police officers, sheriffs, court clerks, probation officers, native courtworkers, and other health and social service agencies.

Victoria's Integrated Court

The Victoria Integrated Court (VIC) is a community led initiative that followed on the work of the Street Crime Working Group and the Mayor's Taskforce on Homelessness. The Victoria Community Outreach Team and a number of Assertive Community Treatment Teams were created to address the demands placed on emergency and health service providers by individuals who are homeless and substance addicted and/or mentally disordered. Many of the individuals serviced by these Teams are chronic offenders who place high demands on the criminal justice system.

The Court initiated a discussion that led to the creation of the VIC in March 2010. The VIC takes an integrated approach that strives to improve access to health, social, and economic services for offenders, improve public safety, and hold offenders accountable for their actions in a timely manner. In its first year, the VIC expanded its services to hear cases for offenders supported by the Community Response Team of Community Living BC.

First Nations Court

The First Nations Court in New Westminster was established in November 2006 after consultation with First Nations Communities who advised that their needs were not being met. They sought a holistic approach to sentencing that acknowledges the harm done by the offender and ensures that healing occurs for the victims of crime and the community impacted by the crime. A group of elders and a community liaison guide the Court, Court Services staff supports the Court, and Crown counsel and duty counsel have dedicated staff in the Court.

The Court is based on the principles enunciated by the Supreme Court of Canada in the *Gladue* case and the *Criminal Code* which require that the unique circumstances of Aboriginal persons be taken into account at sentencing.

Drug Treatment Court

The Drug Treatment Court of Vancouver was created in 2001. It is one of the busiest federally-funded programs with a fully integrated treatment team supporting the participants. It is based on an American model and assists drug addicted offenders charged under the *Controlled Drugs and Substances Act*. The goal of the Court program is to reduce heroin and cocaine use in adults charged with offences motivated by drug addiction. The Court strives to help offenders achieve:

- abstinence from drug use;
- reduced future contact with the criminal justice system;
- improved well-being, including improved housing;
- employment and education; and
- pro-social use of their time.

Cowichan Valley Domestic Violence Court Project

The Cowichan Valley Domestic Violence Court Project is the first dedicated Court in BC to address issues of domestic violence. It has been in operation since March 2009. The Court initiative seeks to reduce the incidence, severity, and recidivism of domestic violence offences in the region and to ensure victim and public safety. Partners in this project include specially trained and dedicated Crown counsel, RCMP, probation officers, community-based victim services, a native courtworker and a child protection social worker.

With input from agencies involved in domestic violence cases, the victim, and other participants, the Court assesses risk factors and decides on the appropriate conditions for release or sentencing.

Reforms in the Civil Division

In November 2007, the Court began piloting civil reforms at the Robson Square and Richmond courthouses. Small claims cases are tracked into one of three streams. In both locations, claims under $5000 (other than personal injury and institutional debt) are scheduled for simplified trials, conducted by senior civil lawyers. At Robson Square, all small claims cases (regardless of monetary amount) involving an institutional debt are scheduled for a 30-minute summary debt trial. And, at Robson Square, civil claims over $5000 proceed through mediation and a trial conference before being set for trial.

Kelowna Community Justice Project

The Community Justice Project in Kelowna commenced operations in September of 2010 following a number of very positive meetings involving justice system participants and the larger community. The goal of the Project is to collaboratively address the quality of life of the Kelowna community for all of its residents through the swift imposition of responsive and focused bail and sentencing orders for offenders experiencing issues involving mental health, homelessness, and/or addictions. This is addressed by a team-based approach to integration of services available through existing resources and facilitated by a Court liaison worker funded by the John Howard Society.

Video Bail and Other Hearings

To accommodate remote bail hearings, the Court continues to utilize video technology from the Justice Centre in Burnaby, where links have been established. It also is used to allow Judicial Case Managers and Judges to hear preliminary matters from a remote location.

Video technology is also utilized in most court locations throughout the province to accommodate remand appearances and bail hearings by persons charged with an offence appearing from a remand or custody centre. This year the use of video technology resulted in approximately 24,000 saved prisoner transports for persons required to appear in court for preliminary matters.

Bail Reform Project

The Court initiated the Bail Reform Project in December 2007 in cooperation with the ministries of Attorney General and Public Safety and Solicitor General and the Criminal Justice Reform Secretariat. The Project, which is underway in the Peace Region, allows judicial interim release (bail) hearings to be scheduled before a Judicial Justice at the Justice Centre in the Lower Mainland. An accused person appears in custody from police cells or a correctional facility. A police officer (or Crown counsel and defence counsel) also appears by video conference from their respective locations. These hearings occur during the Court day as well as evenings and weekends in Fort St. John, Dawson Creek and Fort Nelson.

In addition, video bail hearings are conducted from the Justice Centre to Vancouver, Delta and Surrey during the evenings and on weekends.

Public and Media Access to the Court

In an ongoing attempt to address the need to inform the public, the Court has established policies regarding public and media access in the Court. The purpose of these policies is to foster an open and accessible court.

After extensive review within the Court, and meeting with a cross-section of print and electronic media reporters and editors/news directors, the Court published in February, 2011, its *Policies Regarding Public and Media Access in the Provincial Court of British Columbia*. The policies took effect on February 28, 2011.

The policies seek to balance the vitally important principle of an open court with the judiciary's overall responsibility for the fair administration of justice in individual cases.

The policies cover such matters as:

- access to courthouses and courtrooms;
- access to court records;
- access to digital audio recordings of proceedings;
- televising court proceedings; and
- publication bans.

The policies are evolving documents which will continue to develop through discussion with the public and the media. The present policy documents are a significant and helpful step in the ongoing process of ensuring an open and accessible court.

The Provincial Court's Committee Work

Judges' Education Committee

The Provincial Court Judges' Association of British Columbia is responsible for continuing education for judges. In this fiscal year the members of the committee were:

- Judge C. Bagnall (Chair)
- Judge C. Birnie
- Judge E. Blake
- Judge A. Brooks
- Chief Judge Thomas Crabtree
- Judge E. de Walle
- Judge D. Pothecary

- Judge K. Skilnick

The Committee designed and delivered two education conferences in 2010. The first included sessions related to the *Youth Criminal Justice Act*, innovative approaches to youth justice, and information regarding the development of the teenaged brain. There was also an update on detention issues and approaches to excluding evidence where rights under the *Canadian Charter of Rights and Freedoms* have been violated. Another session was devoted to emergency preparedness for the Court.

The theme of the second conference focussed on poverty issues. Participants heard from academics, emergency responders, and those with personal experience addressing issues of poverty. Judges also had the opportunity to attend the Drug Treatment Court, Downtown Community Court, and the Carnegie Community Centre. Further sessions included a presentation from the Children's Representative; an update on recent cases at the Supreme Court of Canada; and concurrent sessions addressing the provision of legal aid, sentencing Aboriginal offenders and drug addicted offenders, Domestic Violence Treatment Courts, and issues regarding homelessness, poverty, and sex trade workers.

Judicial Justices' Education Committee

The Judicial Justices Association of BC appoints members to the Education Committee who are responsible for continuing education of Judicial Justices. During this fiscal year, the members were Judicial Justice G. Hayes and Judicial Justice I. Blackstone.

This year's conference introduced the new *Truth in Sentencing Act* and its impact on the work of the Court. Registrants were updated about new road safety initiatives, court services that are available to the hearing impaired, assessing risk in domestic violence cases, and the new impaired driving scheme in British Columbia.

Judicial Education Review Committee

The membership of the Judicial Education Review Committee was:

- Chief Judge Thomas Crabtree (Chair)
- Judge M. McMillan (Provincial Court Judges' Association)
- Judge A. Palmer (Former Chair, Education Committee, Provincial Court Judges' Association)
- Judge J. Threlfall (Executive Committee)
- Administrative Judge J. Watchuk (Management Committee)

The Committee is preparing a report on the following issues, for release in the next fiscal year. In undertaking the review, the Committee is focused on the purpose of judicial education and the recent changes to the Court including the following:

- Legislative amendments impacting the age of retirement for the Judiciary;
- The extension of the Senior Judge program (enabling judges to sit part time);
- Changing demographics of the Court;
- Increasing reliance on technology in delivering the work of the Court including video appearances in Court and the use of information technology;
- Scarcity of fiscal resources;
- Health and wellness challenges facing the Court;
- The need to meet the Strategic Plan of the Court; and
- Responsibility to the public for providing judicial services by a judiciary who meet high standards of skill and knowledge.

Emergency Planning Committee

The Emergency Planning Committee was struck in 2008. Its mandate was to:

- identify emergency preparedness issues affecting the Court;
- develop recommendations to address those issues; and
- educate the judiciary on emergency preparedness issues.

The Committee concluded its mandated tasks and delivered a full day of judicial education on emergency preparedness at the spring judicial conference in 2010.

Financial Report

	Budget	Actual	Variance	
Salaries	$39,090,000	$36,263,557	$2,826,443	(1)
Supp. Salaries	30,000	65,427	(35,427)	
Benefits	9,577,000	8,895,443	681,557	(2)
Judicial Council/Ad Hoc/Per Diem	1,435,000	1,386,115	48,885	
Travel	1,288,000	1,306,941	(18,941)	
Professional Services	157,000	166,071	(9,071)	
Information Services	207,000	630,296	(423,296)	(3)
Office Expenses	905,000	1,111,302	(206,302)	(4)
Advertising	3,000	0	3,000	
Court Attire and Supplies	74,000	187,593	(113,593)	(5)
Vehicles	66,000	69,548	(3,548)	
Amortization	249,000	363,004	(114,004)	(6)
C.A.P.C.J. Grant	5,000	9,850	(4,850)	
Library	175,000	215,877	(40,877)	(7)
Interest on Capital Leases	9,000	2,681	6,319	
General Expenses	0	0	0	
Total Operating Expenses	**$53,270,000**	**$50,673,705**	**$2,596,295**	
Capital Budget Variance (Systems and Furniture)	**$140,000**	**$0**	**$140,000**	

(1) Long term disabilities and retirements - delays in replacements thereto.
(2) Related to salary savings.
(3) Maintenance and enhancements to information systems, computer software and licences.
(4) Education costs and meeting expenses.
(5) Replenishment of judicial attire.
(6) Amortization of computer equipment.
(7) Increased costs for judicial reference material.

Maintaining confidence in the justice system

The public and litigants must have confidence in our justice system, and that begins with having confidence in the decisions that are made in the courtroom. They must be confident that judges have integrity and are impartial and independent. They must also have an opportunity to formally criticize our judicial officers and courts if they believe that justice was not delivered in a fair and independent manner. Not only must justice be done, it must be seen to be done.

Sometimes litigants make a formal complaint to the Chief Judge if they are dissatisfied with the outcome of their trial. The Chief Judge can review complaints only about judicial

conduct, not the merits or "correctness" of judicial decisions. Principles of judicial independence prevent interference by anyone, even a Chief Judge, in the judicial decision-making process. Members of the judiciary must be free to make decisions unfettered by outside influence, fear of sanction or hope of favour, and it is not open to a Chief Judge to review judicial decisions. A party who objects to the merits of judicial decisions would need to pursue such objections through any available avenue of appeal to, or review by, a higher court. When such complaints are received, one of the Court's legal officers usually provides the litigant with general information about the appeal process.

Complaints must be delivered in writing to the Chief Judge. Under the *Provincial Court Act*, the Chief Judge is responsible for supervising judges, judicial justices and justices of the peace, and is required to examine all conduct complaints about members of the judiciary. When a complaint raises a potential issue of judicial misconduct within the Chief Judge's authority, the Chief Judge or an Associate Chief Judge will review the complaint letter, any relevant material such as an audio recording of the proceedings and will invite the judge or justice to comment on the complaint. The Chief Judge or an Associate Chief Judge (or their delegate) must report in writing to the complainant and the judicial officer following an examination. Most complaints are resolved with a letter explaining or acknowledging the conduct and, in some cases if appropriate, providing an apology.

The *Act* also requires that the Chief Judge conduct an investigation into the fitness of a judge or justice to perform his or her duties if the Chief Judge considers that an investigation is required, or if requested to do so by the Attorney General. The result of an investigation may include corrective action or an order for an inquiry respecting the fitness of the judge or justice to perform their duties. At the option of the judicial officer at issue, the inquiry would be conducted by a Justice of the BC Supreme Court or Judicial Council. In the history of the Court there have only been eight inquiries and none since 1981.

The following chart captures information on complaints since 2004.

Chart 11 – Complaints Since 2004

Complaints – 2004 to March 31, 2011

	2004	2005	2006	2007	2008	2009	2010	2011
Letters received	118	174	144	258	216	245	280	93
Non-complaints (those found not to be within Section 11)	95	137	123	205	169	207	225	82
Examinations of complaints performed to March 31, 2011 as summarized below or in previous Annual Reports	* 20	* 34	19	* 53	* 45	* 35	* 29	* 8
Investigations of complaints performed	* 3	2	1	0	0	0	0	0
Files unresolved by April 1, 2011	0	1	0	0	2	3	* 19	* 28

* indicates that an examination may have dealt with more than one letter received from a complainant

During the period from January 1, 2010 to March 31, 2011, 373 letters of complaint were received at the Office of the Chief Judge. On assessment, 307 matters were found not to be complaints within the authority of the Chief Judge. Examinations were commenced on the remaining matters. Including complaints carried over from 2009, 37 examinations were completed during 2010 to March 31, 2011. Of the 37 completed examinations, all were resolved at the examination stage.

A sample of complaints and an explanation of how they were resolved are set out in Appendix 2 to this Annual Report.

Appendix 1

Notes for Charts

Chart 1 – Total Judge Complement 2005-2011

Data source: Rota 6

Provincial Court Judge Complements are as at March 31 of each fiscal year. FTE = Judges Full Time Equivalent positions. This includes all full time Judge positions (1 FTE) and all Senior Judge positions (0.45 FTE) province wide. This total does not include any ad hoc judge positions or Judges on long term disability.

Chart 2 –New Cases by Division (2004/05 – 2010/11)

(1) Number of new cases. Data source: CORIN Database
Provincial Court Criminal New Case: One accused person with one or more charges on an Information or initiating document that has resulted in a first appearance in Provincial Court. These charges can under the *Criminal Code*, *Young Criminal Justice Act*, other federal statutes or provincial statutes. This does not include traffic or municipal bylaw.

Provincial Court civil new case: the number of Notices of Claim filed in the Court registry.

Provincial Court Child Protection and Family New Cases: A Provincial Court *Family Relations Act* (FRA), *Family Maintenance Enforcement Act* (FMEA), *Family and Child Services Act* (FCSA), and *Child, Family and Community Services Act* (CFCSA) registry filing. Prior to August 1994, new cases included an initial filing and any subsequent applications requiring an appearance. Since August 1994, new cases only include initial filings and subsequent applications are counted separately.

(2) Provincial Court Judge Complement. Data Source: Rota 6
Provincial Court Judge Complements are as at March 31 of each fiscal year. FTE = Judicial Full Time Equivalent positions. This includes all full time Judge positions (1 FTE) and all Senior Judge positions (0.45 JFTE) province wide. This total does not include any ad hoc judge positions or Judges on Long Term Disability.

Chart 3 - Judge Complement and Total Cases per Judge (2004/05 – 2010/11)

(1) Number of New Cases. Data Source: CORIN Database
Provincial Court Criminal New Case: One accused person with one or more charges on an Information or initiating document that as resulted in a first appearance in Provincial Court. These charges can be *Criminal Code*, *Young Criminal Justice Act*, other federal statutes or provincial statutes. This does not include traffic or municipal bylaw.

Provincial Court Small Claims New Case: the number of Notices of Claim filed in the Court registry.

Provincial Court Child Protection and Family New Cases: A Provincial Court *Family Relations Act* (FRA), *Family Maintenance Enforcement Act* (FMEA), *Family and Child Services Act* (FCSA), and *Child, Family and Community Services Act* (CFCSA) registry filing. Prior to August 1994, new cases included an initial filing and any subsequent applications requiring an appearance. Since August 1994, new cases only include initial filings and subsequent applications are counted separately.

Total New Cases = new adult criminal, youth, family, child protection and civil cases. It does not include traffic, bylaw or family subsequent appearances.

(2) Provincial Court Judge Complement. Data Source: Rota 6
Provincial Court Judge Complements are as at March 31 of each fiscal year. FTE = Judicial Full Time Equivalent positions. This includes all full time Judge positions (1 FTE) and all Senior Judge positions (0.45 FTE) province wide. This total does not include any ad hoc judge positions or Judges on long term disability.

Chart 4 – Adult Criminal Caseloads Pending Over 180 Days

Data Source: CORIN Database

Provincial Court Pending Case: A case that has not completed and for which a future appearance is scheduled.

Provincial Court Pending Case Over180 days: A pending case where the number of days between the first appearance and the next scheduled appearance is over 180 days. Pending cases are snapshots of current pending case inventory. This report is as at September 30 2011 and represents a snapshot of the pending case inventory for all cases over 180 days. This report breaks these over180 day cases into 4 different timelines.

Charts 5 to 10 – Province-wide Court Delays and Locations with the Longest Delays

Data Source: Judicial (Quarterly) Next Available Date Surveys

(1) All locations in the province were weighted based on calendar year 2010 new caseloads for March 31, 2011 delays as a percentage of the provincial total.

(2) For civil settlement conferences, the wait time represents the number of months between the filing of the reply to the first available court date that a typical settlement conference can be scheduled into. For civil ½-day and 2-day trials, this number represents the number of months between a settlement conference and the first available court date that a typical ½- day or 2-day trial can be scheduled into.

(3) For adult criminal trials, the wait time represents the number of months between an arraignment hearing/fix date and the first available court date that a typical ½-day or 2-day adult criminal trial can be scheduled into.

(4) For family hearings, the wait time represents the number of months between a case conference or fix date and the first available court date that a typical ½-day family hearing can be scheduled into.

(5) For child protection hearings, the wait time represents the number of months between a case conference/fix date and the first available court date that a typical ½-day child protection case can be scheduled into.

The "first available date" for all divisions of work does not include court dates that have opened up due to cancellations, since that is not when the Court would "normally" be scheduling matters in the future. This wait time also takes into account any cases awaiting a hearing date to be scheduled and factors those matters into any delay estimates.

Appendix 2

Complaints against Judges

***Complaint*:** Counsel complained that a judge acted in an unprofessional manner in denying counsel's adjournment request in a family case due to a medical setback experienced by counsel. Counsel appeared by agent and advised that due to counsel's current medical condition, counsel would be unable to conduct trials in the near and perhaps distant future. The Judge was aware of other cases on which counsel was acting and sought information about whether counsel would require adjournments of those as well.

Review: The audio recording of proceedings did not support the assertion of unprofessional conduct. The Judge was respectful, but it was understandable if counsel was unable to continue her practice for some period, that the Judge would seek to take a global approach to all potential adjournment requests on other cases at that courthouse. The denial of an adjournment in the specific case was based on the Judge's view of the best interests of the children involved. No judicial misconduct was found.

***Complaint*:** A Judge presiding at a civil settlement conference was rude, unprofessional and had "a burr in her saddle".

Review: Comment was obtained from the Judge and the court clerk, both indicating that the complainant consistently interrupted the Judge in an aggressive and rude manner. The complainant refused to change his conduct. No judicial misconduct was found.

Complaint: A Judge spoke harshly to a self-represented party during a proceeding before dismissing the party's application.

Review: The audio recording of proceedings did not support the assertion. While the Judge used a firm voice in expressing conclusions about the application, his tone and words were justified to maintain control of the proceedings. No judicial misconduct was found.

Complaint: A Judge appeared to fall asleep for a short period while court was in session.

Review: The Judge denied the assertion and there was no credible evidence to support the allegation. No judicial misconduct was found.

Complaint: A Judge dealing with a breach of probation used the term "idiot" when referring to the accused.
Review: The audio recording of the proceeding confirmed that this word was used by the Judge. The Judge was dealing with sentencing for breach of a probation order which required the offender to not attend a specific residence. The day after the offender was released, he attended at that residence. The Judge reviewed the offender's 30-year criminal record and was incredulous that the offender would breach a clear probation order immediately after release. In that context the Judge used the term to describe the offender's conduct. While another word would have been preferable, Judges have significant latitude in expressing the strength of their conclusions when delivering reasons for judgment. No judicial misconduct was found.

Complaint: A Judge in a family matter made inappropriate and disrespectful comments toward an applicant and her daughter.
Review: The audio recording did not support the assertions. The proceedings were contentious and while there was tension in the interaction between the Judge and the complainant, the Judge's conduct did not go beyond what was appropriate for a Judge in controlling proceedings and requiring parties to focus on relevant matters. No judicial misconduct was found.

Complaint: A Judge left a courthouse for the day at midday when there remained matters for judicial consideration at the courthouse.
Review: The Judge had mistakenly thought there were no further matters for consideration and that he was then able to travel to another courthouse in a different part of the district where he was scheduled to preside the next day. The Judge was reminded that the Judicial Case Manager should be directly contacted before undertaking such an early departure from the courthouse.

Complaint: A Judge spoke to the father in a family case in a derogatory, incredulous tone when the mother testified to some prior conduct of the father.
Review: In reviewing the audio recording of proceedings, the Judge sounded surprised and upset by the mother's information about the father. But the Judge spoke in an even tone after the short break which he took immediately thereafter. While the expression of surprise and upset was regrettable, the Judge's conduct and control of the proceedings was otherwise appropriate.

Complaint: A Judge received and sent inappropriate e-mail material on his judiciary computer through his private e-mail address via webmail.
Review: The Judge acknowledged the improper nature of his computer usage and he committed to refraining from any such inappropriate use in the future. The complaint was closed on that basis.

Complaint: The Judge in a family proceeding exhibited an aggressive and hostile attitude towards the father who sought to read a prepared statement rather than respond to the Judge's questions.
Review: The Judge had difficulty maintaining the appropriate level of serenity and patience in frustrating circumstances. The Judge was informed of that conclusion with the expectation that the Judge would address the conduct.

Complaint: A Judge presiding over a civil application would not allow the applicant to speak before the Judge dismissed the application.
Review: The audio recording did not support the assertions. The Judge provided the applicant an opportunity to speak and while the Judge reached a conclusion on the issue quicker than the complainant considered appropriate, there was no judicial misconduct.

Complaint: A Judge presiding at a criminal trial confirmation hearing would not entertain the complainant's question about the Court's jurisdiction over the matter and instead had the complainant taken into custody.
Review: The audio recording of the proceeding indicated that the Judge responded to the jurisdictional question by advising that such objections could be raised at trial. The complainant continued to press the point, demanding that it be dealt with immediately. The Judge advised the complainant that he was being rude and that he could either leave the courtroom or be taken into custody. The complainant continued to argue with the Judge, who then directed that the complainant be taken into custody. The Judge sought to deal with the matter in a tempered way. No judicial misconduct was found.

Complaint: Counsel on a number of family files complained that the Judge ended court early for the day when there were several matters that could still have been heard.
Review: The Judge apologized and acknowledged it would have been preferable to inform parties of the necessity, for personal reasons, to end court early and with as much notice and explanation as possible.

Complaint: Three complaints were received asserting that a Judge in dealing with one family case was abrupt, confrontational, and that he unduly relied on the court's contempt authority to order the brief incarceration of a party whom the judge believed was acting in a contemptuous manner.
Review: The Judge provided a considered and reflective response in response to the complaints. The Judge was interviewed by two Associate Chief Judges and a judicial education course of action was established relating to the court's contempt authority and its use, and a program with respect to judicial communication skills. The judge also identified a minor health concern that may have impacted on his judicial performance. It was anticipated that the action plan would ensure such conduct complaints would not occur again.

Complaint: Court staff complained that a Judge bullied staff, lost his temper in court and treated clerks, counsel, sheriffs and litigants rudely and inappropriately. Concerns were also expressed about closing court early from time to time and the Judge not travelling to other courts in the district as often as other Judges.
Review: After examination by an Associate Chief Judge, and action taken by the Judge to address personal issues, staff confirmed a significant change in the Judge's behaviour. A medical issue was also identified for which the Judge obtained treatment. The complaint file was closed but the circumstances continued to be monitored.

Complaint: The Judge treated counsel like "garbage," and in a demeaning, condescending, nasty, and offensive manner.
Review: The transcript and audio recording did not support the complainant's assertions and the matter was closed.

Complaint: A Judge at a family case conference yelled at a party, made a personal attack on her as a woman and a mother, and made inappropriate comments about her psychiatric diagnosis.
Review: Other information received indicated that the complainant persistently interrupted when Director's counsel was speaking, and that the Judge had to take a firm stance to control the proceedings. Director's Counsel had brought up the complainant's diagnosis and the Judge denied yelling at the complainant. In examining all the information received, the Judge's conduct was not inappropriate and no misconduct was established.

Complaint: The Judge at a small claims settlement conference was rude, condescending, and insulting.
Review: The Judge acknowledged that he had indeed been frustrated, short, and impatient with the complainant who did not accept that there was a legal reason the matter should proceed to trial. In the specific circumstances, judicial misconduct was not established.

Complaint: A complaint was made against a Judge in a family case, claiming that he "has a real problem with the female sex", showing courtesy to the father's counsel, but not to the complainant, whom the Judge had cited for contempt and ordered into brief custody.
Review: The Judge apologized for inappropriately raising his voice at times. This complaint was similar to another case near the same time. The Judge met with two Associate Chief Judges, and a judicial education course of action was established relating to the court's contempt authority and its use, and a program with respect to judicial communication skills. It was anticipated that the action plan would ensure such conduct complaints would not occur again.

Complaint: A Judge during a family case conference was biased, making critical comments to the mother but none to the father.
Review: The Judge provided a detailed response to the complaint, noting the difficult circumstances between the parties and explaining how the mother's assertions were not accurate. Judicial misconduct was not established.

Complaints against Judicial Justices

Complaint: A Judicial Justice screamed at a disputant in a traffic case when the disputant would not leave the courtroom as directed by the Judicial Justice. The disputant later that day appeared before a Judge who, the disputant asserted, interrupted the disputant "violently" and also screamed at him.
Review: The audio recording of the two appearances did not support the complainant's claims. The Judicial Justice told the complainant he was not on the court list for hearings that day and he therefore must attend at the Court Registry to schedule his case. When the complainant would not leave, the Judicial Justice used a more forceful tone and indicated a Sheriff would be called if he did not leave. When the complainant later sought to appear before a Judge on the same matter, the Judge was clear he could not hear from the complainant that day as he was in the middle of another case. It is open to judicial

officers to decide they cannot hear a specific case and to not entertain further discussion after that decision is made. No judicial misconduct was found.

Complaint: A Judicial Justice presiding in traffic court scowled at the complainant and was disrespectful and discourteous.
Review: The audio recording did not support assertion of discourtesy in tone or words. The Judicial Justice indicated he has a restrained and serious demeanour in the courtroom which may have been misinterpreted as scowling. No misconduct was established.

Complaint: A Judicial Justice in traffic court was rude, interrupted a self-represented disputant, and sounded pre-disposed against the disputant.
Review: The audio recording did not suggest rudeness or bias. There was tension between the Judicial Justice and the complainant, culminating in him stating the complainant was getting close to being held in contempt of court. The Judicial Justice was entitled in the circumstances to exercise this control over the court proceeding and no misconduct was found.

Complaint: A Judicial Justice treated a party with disrespect, informing him that he was not present in court when his name was called twice and thus his violation ticket was considered as not disputed.
Review: While it would have been more helpful if the Judicial Justice had taken the time to explain why he could not reopen the case, judicial misconduct was not established.

Complaint: A Judicial Justice presiding on a violation ticket case verbally abused the disputant and "fought him with words" in considering his adjournment application.
Review: The audio recording of proceedings found no support for the allegation of rudeness or fighting words. It is appropriate for Judicial Justices to closely question litigants to determine the merits of an application. No misconduct was established.

Complaint: A Judicial Justice presiding at a bail hearing released an individual in a domestic dispute case only on the condition that the accused appear at the next hearing date, which had the effect of cancelling earlier orders that the accused not contact the subject of the alleged assault and threat charges.
Review: The Judicial Justice acknowledged that she mistakenly believed the conditions would continue on the basis of the release that she provided. Further judicial education was provided to the Judicial Justice and the complaint file was then closed.

Complaint: A Judicial Justice presiding in traffic court required a self-represented litigant to remove a head-covering without realizing that it was a Kippah worn for religious observance.
Review: The Judicial Justice expressed her sincere apologies for not appreciating that the head-covering was a Kippah, as she was more familiar with a smaller, more common type. The Judicial Justice appreciated that wearing of the Kippah was an expression of religious faith and did not need to be removed in court.

Complaint: A Judicial Justice in traffic court treated visible minorities and women in a cynical way, made fun of women who could not speak English, made inappropriate comments and flirted with women during the trial.
Review: A review of the audio recording of the proceeding did not support any such serious allegations and misconduct was not established.

Complaints against Judicial Case Managers

Complaint: A Sheriff believed a smell of burned marijuana came from the car and person of a Judicial Case Manager.
Review: An Associate Chief Judge interviewed all concerned. The Judicial Case Manager denied the assertions and the Associate Chief Judge found the evidence inconclusive. There was no suggestion of anyone seeing the Judicial Case Manager consume marijuana or that she had been under the influence of an intoxicant. No misconduct was found.

Complaint: A Judicial Case Manager was rude and high-handed in dealing with a party in setting a date for a civil trial.
Review: The Judicial Case Manager noted that setting the trial date was very contentious between the parties and that the complainant was abrupt and angry when attending the Judicial Case Manager's office. The date set was within usual acceptable range. No judicial misconduct was found.

Complaint: A Judicial Case Manager booked a further hearing date on a family file when the father was not available.
Review: The file showed no communication from the father stating his non-available dates. Standard scheduling practices were followed and no issue of judicial misconduct arose.

Complaint: A Judicial Case Manager lost her temper and was aggressive with the party while scheduling a court date.
Review: Upon examination, there was clearly tension in the interaction between the Judicial Case Manager and complainant. While the Judicial Case Manager denied being aggressive, she expressed regret about how the complainant experienced the interaction. The complaint was closed after the party was informed of the Judicial Case Manager's response.

Complaint: A Judicial Case Manager failed to return phone messages from a party on three consecutive days seeking to schedule a trial date.
Review: The Judicial Case Manager clearly recollected she had not received phone messages from the complainant. She recalled one conversation informing the complainant that she needed to deal with another Court Registry. Complainant was informed of this response and the complaint file was closed. There was no way to independently verify what occurred.

Complaint: A Judicial Case Manager was "actively rude and obnoxious to the public" and told the complainant to "shut [her] mouth."
Review: The Judicial Case Manager denied the assertions. A separate account of the interaction was received from another person who was present, which contradicted the complainant. There was no basis for a finding of judicial misconduct.

Complaint: A Judicial Case Manager was slow in setting trial dates for the complainant's French-language criminal trial.
Review: The Judicial Case Manager apologized for the delay, which was necessitated in part by the difficulty in finding hearing dates.

Complaints against other court staff

Complaint: A Court Services Justice of the Peace (CSJP) was disrespectful when, after providing what he thought was sufficient procedural information to the complainant at the Court Registry, dismissed the complainant by calling out "next" and then dealing with the next person in line at the counter.

Review: In response to the complaint, the Court Manager apologized for the CSJP who was informed that, even in frustrating circumstances, he must act in a calm and courteous manner.

Complaint: A CSJP used her role to advantage in the Court's consideration of her family case.

Review: The CSJP ensured she was not involved in the Court Registry's handling of the case and she made no reference to her CSJP role during court hearings. Judicial misconduct was not established.

Appendix 3

Judicial Officers as at March 31, 2011

Judges

OFFICE OF THE CHIEF JUDGE

CRABTREE, T. (Chief Judge)
Gove, T.
Pendleton, D. (Senior Judge)
Shupe, T. (Ad Hoc)
Trueman, C. (LTD)
Walker, R. (LTD)
Warren, C. (LTD)

COAST DISTRICT

RODGERS, W. - Administrative Judge
Auxier, J. (Senior Judge)
Baird Ellan, C.
Challenger, J.
Gedye, J. (Senior Judge)
Merrick, S.
Moss, D.

CARIBOO/NORTHEAST DISTRICT

O'BYRNE, D. - Administrative Judge
Bayliff, E.
Blaskovits, R.
Bowry, R.
Brecknell, M. (Associate Chief Judge)
Daley, B.
Dollis, L. (Senior Judge)
Gray, M.
Morgan, D.
Tindale, R.
Walters, R.
Weatherly, D.

KAMLOOPS DISTRICT

FRAME, S. - Administrative Judge
Cleaveley, C.
Donegan, S.
Harrison, S.
Rohrmoser, H. (Senior Judge)

KOOTENAYS DISTRICT

PHILLIPS, N. – Acting Administrative Judge
Fabbro, R. (Senior Judge)
Mrozinski, L.
Sheard, G.
Sperry, D. (Senior Judge)
Webb, R.

NORTH FRASER DISTRICT

BULLER BENNETT, M. - Administrative Judge

Alexander, T.
Angelomatis, G.
de Couto, P.
Dossa, S.
Dyer, B.
Pothecary, D.
Spence, A. (Senior Judge)
Steinberg, D.
St. Pierre, D.
Woods, T.

NORTH VANCOUVER ISLAND DISTRICT

DOHM, T. - Administrative Judge

Cowling, D.
Doherty, P.
Gould, A. (Senior Judge)
Iverson, E. (Senior Judge)
Joe, J. (Senior Judge)
Klaver, B. (Senior Judge)
MacCarthy, P.
Saunders, J.
Saunderson, B.

NORTHWEST DISTRICT

SEIDEMANN III, H. - Administrative Judge

Birnie, C.
Krantz, A.
Milne, J.
Struyk, C.

OKANAGAN DISTRICT

BETTON, A. - Administrative Judge

Burdett, E.
Cartwright, J.
Chapman, B.
De Walle, E.
Hogan, V. (Senior Judge)
Klinger, W. (Senior Judge)
Shaw, M.
Sinclair, G.
Smith, R.
Takahashi, M.
Threlfall, J. (Senior Judge)
Wallace, A.

SOUTH FRASER DISTRICT

GULBRANSEN, P. - Administrative Judge

Arthur-Leung, K.
Bahen, J.
Ball, K.
Borowicz, M.
Caryer, R.
Cohen, G.
Dickey, R.
Dohm, P.
Field, H. (Senior Judge)
Gardner, D.
Gill, G. - Associate Chief Judge
Gordon, E.
Harris, R.
Hicks, M.
Hoy, B.
Hyde, P. (Senior Judge)
Jardine, J. (Senior Judge)
Lenaghan, J. (Senior Judge)
Lytwyn, J. (Senior Judge)
MacDonald, W. (Senior Judge)
MacGregor, S. (Senior Judge)
MacKay, R.
Maltby, G. (Senior Judge)
Miller, R. (Senior Judge)
Raven, R.
Romano, R.
Rounthwaite, A. (Senior Judge)
Rounthwaite, J.
Skilnick, K.
Wingham, J.
Young, W.

SOUTH VANCOUVER ISLAND DISTRICT

QUANTZ, E. - Administrative Judge

Blake, E.
Brooks, A.
Chaperon, L.
Harvey, J. (Senior Judge)
Higinbotham, R.
Hubbard, M. (Senior Judge)
Kay, J. (Senior Judge)
Neal, Brian (Senior Judge)
Palmer, A. (Senior Judge)
Smith, W. (Senior Judge)
Wishart, S.
Wood, J.

VANCOUVER CRIMINAL DISTRICT

LOW, R. - Administrative Judge

Bagnall, C.
Bastin, B. (Senior Judge)
Burgess, E.
Galati, J.
Giardini, M.
Howard, F.
Kitchen, W. (Senior Judge)
MacLean, M.
McGee, D. (Senior Judge)
McMillan, M.
Palmer, J.
Rideout, G.
Senniw, D.
Weitzel, H. (Senior Judge)

VANCOUVER RICHMOND DISTRICT

CHEN, P. - Administrative Judge
Davis, B.
Dhillon, H.
Ehrcke, A. (Senior Judge)
Ferbey, E. (Senior Judge)
Fratkin, R.
Gallagher, R.
McKinnon, J.
Meyers, P.
Phillips, N. - Associate Chief Judge
Rae, M.
Romilly, V.
Schmidt, D. (Senior Judge)
Werier, J.
Yee, W.

Judicial Justices

OFFICE OF THE CHIEF JUDGE

Kobiljski, M. (LTD)

SITTING DIVISION (FULL TIME)

SCHWARTZ, P. (Acting Administrative JJ - Violation Ticket Centre)
Arntsen, J.
Blackstone, I. (Abbotsford)
Dodwell, P. (Richmond)
Hughes, J. (Kamloops)
Joseph-Tiwary, S. (Port Coquitlam)
Lim, P. (North Vancouver)
Madrick, G. (Victoria)
Makhdoom, Z. (Robson Square)

JUSTICE CENTRE (FULL TIME)

SCHWARTZ, P. (Administrative JJ – Justice Centre)
Arlitt, K.
Chellappan, J.
Cyr, B.
Hayes, G.

JJs APPOINTED TO SERVE ON A PER DIEM BASIS

Adair, B. (Justice Centre/Traffic)
Beer, B. (Justice Centre)
Bowes, E. (Justice Centre)
Brecknell, E. (Traffic)
Brown, A. (Justice Centre)
Burgess, B. (Traffic)
Callegaro, N. (Justice Centre)
Campbell, A. (Justice Centre)
Edwards, B. (Justice Centre and Victoria Integrated Court)
Gordon, H. (Justice Centre/Traffic)
Hodge, F. (Justice Centre)
Holmes, T. (Justice Centre)
Langford, L. (Traffic)
Lindsey, H. (Justice Centre)
Padron, D. (Justice Centre)
Roberts, C. (Justice Centre)
Schwartz, D. (Justice Centre)

JJs APPOINTED TO SERVE ON AN AD HOC BASIS

Harvey, C. (Justice Centre)
Maihara, D. (Justice Centre)
Mayner, L. (Traffic)
Rogers, C. (Justice Centre)
Wakefield, J. (Justice Centre)

Justice of the Peace Adjudicators

Baynham, B.
Borowicz, F.
Cornish, B.
Glasner, K.
Kahn, L.
Nordlinger, K.
Pratchett, M.
Roberts, D.
Saunderson, D.
Urquhart, G.
Wallace, B.
Warner, K.
Yule, D.

Judicial Case Managers

VANCOUVER CRIMINAL

K.E. Butler
L. Caporale
T.L. Hill
C.J. Johnstone
J. Mihic
L. Stokes

VANCOUVER RICHMOND

B. Brown
C. Goodrich
C. Mayhew
J. Norton

NORTH FRASER

M.L. deKeruzec
S. Gill
L. MacDonald
M. Scott
S. Steele

SOUTH FRASER

D. Hodge
H. Holt
L. Lockyer
A. Mitchell
A. Schulz
S. Thorne
B. West
J. Willock

COAST

S.I. McLarty

SOUTH VANCOUVER ISLAND

A. Bruce

S.L. Cole

D. Henry

Y. Locke

NORTH VANCOUVER ISLAND

A. Darke

V. Mitchell

KOOTENAYS

M. Jensen

S. Hadikin

OKANAGAN

K. Bullach

D. Krenz

B.L. Vincent

M.K. Warwick

CARIBOO NORTHEAST

S. Lawrence

D. Bigras

F. Campbell

S. Jasper

KAMLOOPS

S. Paul

NORTHWEST

L. Leonardes

C.M. Foerster

S. Portsch